

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

GEORGE M. DODRILL,

Plaintiff,

v.

//

CIVIL ACTION NO. 1:11CV35
(Judge Keeley)

ALPHARMA, INC. (King Pharmaceuticals)
and WEST VIRGINIA HUMAN RIGHTS COMMISSION,

Defendants.

ORDER ADOPTING REPORTS AND RECOMMENDATIONS [DKT. NOS. 22, 23],
GRANTING DEFENDANTS' MOTIONS TO DISMISS [DKT. NOS. 8, 12], AND
DISMISSING PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE [DKT. NO. 1]

On March 25, 2011, the pro se plaintiff, George M. Dodrill ("Dodrill"), filed a civil rights complaint against the defendants, Alpharma, Inc. ("Alpharma"), and the West Virginia Human Rights Commission ("WVHRC"). The Court referred this matter to the Honorable John S. Kaull, United States Magistrate Judge ("Magistrate Judge Kaull"), for initial screening and a report and recommendation (dkt. no. 18).

On July 13, 2011, Magistrate Judge Kaull issued two separate Reports and Recommendations ("R&Rs") recommending that the Court grant the motions to dismiss of both Alpharma and the WVHRC, and also that it dismiss Dodrill's complaint in its entirety (dkt. nos. 22, 23). The R&Rs also specifically warned Dodrill that failure to object to the recommendation within fourteen days of receipt of the R&Rs would result in the waiver of any appellate rights on these

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issues.¹ The Court cannot determine precisely when Dodrill received service of the R&Rs; the docket, however, establishes that he certainly had received them no later than August 2, 2011 (dkt. no. 24). To date, he has filed no objections to the R&Rs and the time to do so has passed.

The Court, therefore, **ADOPTS** the R&Rs in their entirety (dkt. nos. 22, 23) and **ORDERS**:

1. That defendant Alpharma, LLC's Motion to Dismiss Dodrill's claims under Title VII, Genetic Information Nondiscrimination Act, Age Discrimination in Employment Act and Americans with Disability Act (dkt. no. 12) be **GRANTED** and the defendant Alpharma, Inc. (King Pharmaceuticals) be **DISMISSED WITHOUT PREJUDICE** from this lawsuit; and

2. That defendant WVHRC's Motion to Dismiss Dodrill's claims under Titles VII, the American With Disabilities Act, the Genetic Information Nondiscrimination Act, and the Age Discrimination in Employment Act (dkt. no. 8) be **GRANTED**. Because such claims are barred by the Eleventh Amendment, the defendant West Virginia Human

¹ The failure to object to the R&Rs not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-53 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-00 (4th Cir. 1997).

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Rights Commission is **DISMISSED WITH PREJUDICE** from this lawsuit.

It is so **ORDERED**.

The Court directs the Clerk to enter a separate judgment order and to transmits copies of both orders to counsel of record, and to mail copies to the pro se plaintiff, George M. Dodrill, via certified mail, return receipt requested. Because Dodrill is proceeding pro se, the Court notes that any party wishing to appeal must file a notice of appeal with the Clerk of this Court within thirty (30) days of the entry of judgment, pursuant to Fed.R.App.P. 4(a).

Dated: August 31, 2011.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE